

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DOREEN M.,

Plaintiff,

v.

**5:22-CV-493
(TJM/ATB)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**THOMAS J. McAVOY,
Senior United States District Judge**

DECISION & ORDER

I. INTRODUCTION

On May 17, 2023, the Hon. Andrew T. Baxter, United States Magistrate Judge, issued a Report-Recommendation recommending that this Court affirm the Commissioner's final decision denying Plaintiff's claim for disability insurance benefits and supplemental security income. ECF No. 14. On May 31, 2023, Plaintiff filed objections to Judge Baxter's Report-Recommendation. ECF No. 15. On June 14, 2023, the Commissioner responded and asserted that this Court should adopt Judge Baxter's Report-Recommendation. ECF No. 16.

II. STANDARD OF REVIEW

When objections to a magistrate judge's report and recommendation are lodged, the district court makes a "*de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." See 28 U.S.C. § 636(b)(1); see also United States v. Male Juvenile, 121 F.3d 34, 38 (2d

Cir.1997)(The Court must make a *de novo* determination to the extent that a party makes specific objections to a magistrate judge's findings.). After reviewing the report and recommendation, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1).

III. DISCUSSION

On *de novo* review of those portions of the Report-Recommendation to which objections are made, the Court agrees with Judge Baxter’s conclusions for the reasons stated in his report.

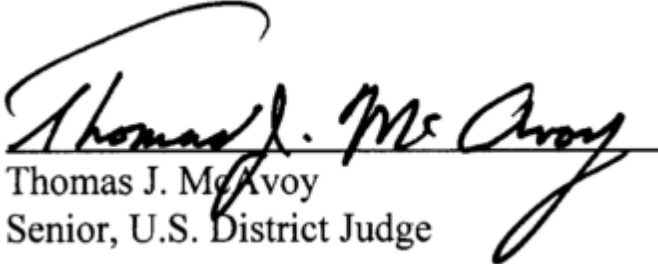
IV. CONCLUSION

Accordingly, the Court **ACCEPTS and ADOPTS** Judge Baxter’s recommendation for the reasons stated in his Report-Recommendation [ECF No. 14]. Therefore, it is hereby

ORDERED that the decision of the Commissioner is **AFFIRMED**, and Plaintiff’s complaint is **DISMISSED IN ITS ENTIRETY**.

The Clerk of the Court may close the file in this matter.

IT IS SO ORDERED.



Thomas J. McAvoy
Senior, U.S. District Judge

Dated: September 29, 2023